

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY GEORGE GROSSNICKLE,

Plaintiff,

v.

Case Number 08-11820

Honorable David M. Lawson

Magistrate Judge: Paul J. Komives

SHERRY BURT,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DENYING THE PETITIONER'S
APPLICATION FOR WRIT OF HABEAS CORPUS**

Presently before the Court is the report issued on June 2, 2010 by Magistrate Judge Paul J. Komives pursuant to 28 U.S.C. § 636(b), recommending that the Court either dismiss the petition for lack of jurisdiction or deny the petitioner's application for the writ of habeas corpus for lack of merit and deny the certificate of appealability. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The party's failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge and will deny the petitioner's application for writ of habeas corpus on the merits.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt

12] is **ADOPTED**.

It is further **ORDERED** that the petitioner's application for issuance of writ of habeas corpus
[dkt. # 1] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 22, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 22, 2010.

s/Teresa Scott-Feijoo
TERESA SCOTT-FEIJOO